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SUBJECT Congressional Testimony for June 9, 1988

PAGES 11

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KERN STATEMENT TO THE HOUSE ARMED SERVICES COMMITTEE

SUBCOMMITTEE ON INVESTIGATIONS

9 JUNE 1988

GOOD AFTERNOON, I AM VINCENT KERN, DIRECTOR, AFRICA REGION, INTERNATIONAL SECURITY AFFAIRS. MR. CHAIRMAN, THE DEPARTMENT'S POSITION HAS NOT CHANGED SINCE THE DEPUTY ASSISTANT OF DEFENSE FOR AFRICAN AFFAIRS, JAMES WOODS, TESTIFIED BEFORE THE HOUSE SUBCOMMITTEES ON AFRICA AND INTERNATIONAL ECONOMIC POLICY AND TRADE EARLIER THIS YEAR. RATHER THAN TO TAKE THE SUBCOMMITTEE'S TIME AND REPEAT THE SAME MAJOR POINTS, I WOULD ASK THAT MR. WOODS TESTIMONY OF 22 MARCH 1988 BE ENTERED INTO THE RECORD.

AT THE SAME TIME, I WOULD LIKE TO SPEND A FEW MINUTES DESCRIBING RECENT DEVELOPMENTS THAT CLEARLY ILLUSTRATE AND AMPLIFY MR. WOODS' EARLIER REMARKS.

IN HIS MARCH TESTIMONY, DEPUTY ASSISTANT SECRETARY WOODS STATED THAT "THE INFLUENCE OF THE SOUTH AFRICAN DEFENSE FORCE (SADF) AT THE HIGHEST LEVELS OF SOUTH AFRICAN NATIONAL AND REGIONAL POLICY FORMULATION CANNOT BE OVERSTATED..." AND THAT "BECAUSE WE BELIEVE MILITARY PROFESSIONALS ARE BEST AT UNDERSTANDING, COMMUNICATING WITH AND PERHAPS INFLUENCING OTHER MILITARY PROFESSIONALS, WE VIEW THE CONTINUED PRESENCE OF AN ACTIVE AND VISIBLE DEFENSE ATTACHE OFFICE AS ESSENTIAL. WITHOUT SUCH PRESENCE OUR ABILITY TO COMPREHEND SOUTH AFRICAN GOVERNMENT

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ACTIONS AND PREPARE EFFECTIVE RESPONSES WILL, OVER TIME, BE SERIOUSLY DEGRADED."

WE SAW RENEWED EVIDENCE OF THIS INFLUENCE IN THE HEAVY MILITARY PRESENCE ON THE SOUTH AFRICAN NEGOTIATING TEAM AT THE FOUR PARTY LONDON TALKS IN MAY, WHEN THE DEFENSE AND FOREIGN MINISTERS SHARED THE SOUTH AFRICAN LEAD, AND AGAIN IN BRAZZAVILLE LATER THAT MONTH, WHEN THE MILITARY TOOK PART IN THE SAG BILATERAL TALKS WITH THE ANGOLAN GOVERNMENT. UNDER THE CURRENT CIRCUMSTANCES IT IS LIKELY THAT SADF INFLUENCE IN SOUTH AFRICA WILL CONTINUE TO GROW AS LONG AS PRETORIA PERCEIVES A MILITARY THREAT, BE IT INTERNAL OR EXTERNAL. THE PRESENCE OF SEVERAL THOUSAND CUBAN TROOPS CURRENTLY POSITIONED NEAR THE ANGOLA NAMIBIA BORDER DOES LITTLE TO REASSURE THE SOUTH AFRICAN PUBLIC OR GOVERNMENTAL STRUCTURE THAT THE THREAT IS LESSENING; NOR DOES THE CURRENT WAVE OF BOMBINGS IN JOHANNESBURG AND OTHER LOCATIONS. ONLY A RESOLUTION OF INTERNAL AND EXTERNAL CONFLICTS WILL REDUCE THE SADF'S ROLE, AND UNTIL SUCH RESOLUTION OCCURS, WE THINK IT IS PRUDENT TO HAVE MORE INFORMATION RATHER THAN LESS FROM MANY SOURCES RATHER THAN A FEW.

TO REDUCE OR ELIMINATE TRAINED MILITARY REPORTERS AT THIS CRITICAL TIME WOULD BE FOLLY.

THIS CONCLUDES MY REMARKS, I'LL BE GLAD TO ANSWER YOUR QUESTIONS ALTHOUGH I WOULD REFER YOU TO THE INTELLIGENCE COMMUNITY FOR MATTERS FALLING WITHIN ITS PURVIEW. THANK YOU.

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PREPARED STATEMENT OF MR. JAMES L. WOODS
DEPUTY ASSISTANT SECRETARY
INTERNATIONAL SECURITY AFFAIRS
AFRICAN AFFAIRS
DEPARTMENT OF DEFENSE

BEFORE THE

HOUSE COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEES ON AFRICA
AND
INTERNATIONAL ECONOMIC POLICY AND TRADE
WASHINGTON, D.C.

22 MARCH 1988

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WOODS STATEMENT TO THE HOUSE COMMITTEE ON FOREIGN AFFAIRS SUBCOMMITTEES ON AFRICA AND INTERNATIONAL ECONOMIC POLICY AND TRADE HOUSE OF REPRESENTATIVES 22 MARCH 1988

GOOD AFTERNOON. I AM JIM WOODS, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR AFRICAN AFFAIRS.

WITH YOUR APPROVAL, I WILL BRIEFLY ADDRESS, FROM THE POINT OF VIEW OF THE DEPARTMENT OF DEFENSE, THE SUBCOMMITTEE'S INTEREST IN SANCTIONS IMPOSED ON SOUTH AFRICA AND THE FIVE BILLS PROPOSING NEW OR STRONGER MEASURES TO HELP BRING APARTHEID TO AN END. WE HAVE CAREFULLY REVIEWED THE FIVE BILLS AND HAVE IDENTIFIED TWO MATTERS OF SIGNIFICANT DEFENSE INTEREST: (1) THE ISSUE OF THE MILITARY AND INTELLIGENCE RELATIONSHIP BETWEEN THE UNITED STATES AND SOUTH AFRICA; AND (2) THE PROCUREMENT OF SOUTH AFRICAN STRATEGIC MINERALS BY THE UNITED STATES.

I WILL COMMENT AT SOME LENGTH ON THE FIRST ISSUE AND SPEAK BRIEFLY TO THE SECOND. FIRST, THE QUESTION OF ADDITIONAL SANCTIONS WHICH WOULD TERMINATE THE U.S.-SOUTH AFRICAN MILITARY AND INTELLIGENCE RELATIONSHIP, AS PROPOSED IN HOUSE RESOLUTIONS 1580 AND 2443. HR 1580 WOULD IMPOSE A TOTAL BAN ON UNITED STATES MILITARY AND INTELLIGENCE COOPERATION WITH THE GOVERNMENT

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OF SOUTH AFRICA. HR 2443 PROPOSES THESE SAME MEASURES, AND GOES ON TO SPECIFY THAT NO MEMBER OF THE UNITED STATES ARMED FORCES SHOULD BE ASSIGNED OR DETAILED TO SERVE AS OR OTHERWISE PERFORM THE FUNCTION OF A DEFENSE OR MILITARY ATTACHE IN SOUTH AFRICA, NOR COOPERATE IN ANY WAY WITH AN INDIVIDUAL SERVING AS, OR OTHERWISE PERFORMING THE FUNCTIONS OF DEFENSE OR MILITARY ATTACHE AT A SOUTH AFRICAN DIPLOMATIC MISSION IN THE UNITED STATES. FURTHER, HR 2443 WOULD PROHIBIT ANY DIRECT OR INDIRECT INTELLIGENCE COOPERATION BY ANY AGENCY OR ENTITY OF THE U.S. GOVERNMENT WITH THE GOVERNMENT OF SOUTH AFRICA, INCLUDING THE AUTHORITIES ADMINISTERING NAMIBIA.

AS AN INITIAL MATTER, I NOTE THAT THESE BILLS MAY RAISE SERIOUS CONSTITUTIONAL QUESTIONS REGARDING THE PRESIDENT'S AUTHORITY TO CONDUCT FOREIGN RELATIONS, COLLECT INTELLIGENCE AND FUNCTION AS COMMANDER-IN-CHIEF OF THE ARMED FORCES. SINCE I AM NOT A LAWYER, I AM DEFERRING TO THE DEPARTMENT OF JUSTICE, WHICH IS PREPARING A LETTER TO THE SUBCOMMITTEE WHICH WILL ADDRESS THESE QUESTIONS.

REGARDING OUR ATTACHE PRESENCE, THE U.S DEFENSE ATTACHE OFFICE (DAO) IN PRETORIA IS ONE OF 94 SUCH ACTIVITIES WORLDWIDE WHICH COMPRISE THE DEFENSE ATTACHE SYSTEM; INCLUDED ARE POSTS IN THE SOVIET UNION, MOST OF THE EAST BLOC AND THE PRC. THESE OFFICES ARE FUNDED UNDER THE GENERAL DEFENSE INTELLIGENCE PROGRAM FOR THE PRIMARY PURPOSE OF OBSERVING AND REPORTING INFORMATION OF MILITARY AND POLITICAL INTEREST TO NATIONAL LEVEL

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DECISION-MAKERS AND SENIOR MILITARY COMMANDERS. ADDITIONAL RESPONSIBILITIES OF DEFENSE ATTACHE OFFICES INCLUDE PROVIDING MILITARY ADVICE TO THE U.S. AMBASSADORS, REPRESENTING SENIOR OFFICIALS OF THE DEPARTMENT OF DEFENSE TO THE HOST COUNTRY DEFENSE ESTABLISHMENTS, AND, WHERE APPROPRIATE, ADMINISTERING CONGRESSIONALLY AUTHORIZED SECURITY ASSISTANCE PROGRAMS.

THE DEPARTMENT OF DEFENSE REGARDS THE DEFENSE ATTACHE OFFICE IN PRETORIA AS A CRITICAL NODE IN OUR INFORMATION GATHERING NETWORK IN SOUTHERN AFRICA. THE INFLUENCE OF THE SOUTH AFRICAN DEFENSE FORCE (SADF) AT THE HIGHEST LEVELS OF SOUTH AFRICAN NATIONAL AND REGIONAL POLICY FORMULATION CANNOT BE OVERSTATED. IT IS ACTIVE IN ACQUIRING PROSCRIBED MILITARY TECHNOLOGIES, PLANNING AND CONDUCTING HOSTILE OPERATIONS INTO NEIGHBORING STATES, AND ADMINISTERING NON-WHITE AREAS UNDER THE JOINT MANAGEMENT COUNCIL AUTHORITY. BECAUSE WE BELIEVE MILITARY PROFESSIONALS ARE BEST AT UNDERSTANDING, COMMUNICATING WITH AND PERHAPS INFLUENCING OTHER MILITARY PROFESSIONALS, WE VIEW THE CONTINUED PRESENCE OF AN ACTIVE AND VISIBLE DEFENSE ATTACHE OFFICE AS ESSENTIAL. WITHOUT SUCH PRESENCE OUR ABILITY TO COMPREHEND SOUTH AFRICAN GOVERNMENT ACTIONS AND PREPARE EFFECTIVE RESPONSES WILL, OVER TIME, BE SERIOUSLY DEGRADED.

IT STRIKES US AS CONTRADICTORY TO REDUCE OUR ALREADY LIMITED INFORMATION SOURCES IN SOUTH AFRICA AT A TIME WHEN OUR NATIONAL INTERESTS REQUIRE MORE INFORMATION. DEFENSE WOULD STRONGLY OBJECT TO ANY ATTEMPT TO FURTHER CURTAIL OUR ATTACHES' PRESENCE

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AND ACTIVITIES IN SOUTH AFRICA. WE ALSO FIND IT UNFORTUNATE THAT SOME SHOULD CONSTRUE THE PRESENCE OF A DAO IN A COUNTRY AS CONSTITUTING OFFICIAL APPROVAL FOR ITS POLICIES OR THE ACTIONS OF ITS MILITARY. SHOULD THAT LOGIC BE PURSUED, WE WOULD HAVE TO CLOSE DOWN ALL OUR DAOS BEHIND THE IRON CURTAIN, AMONG OTHERS.

THE DEFENSE INTELLIGENCE AGENCY, AS FUNCTIONAL MANAGER OF THE DEFENSE ATTACHE SYSTEM, OVERSEES THE PRETORIA DAO'S COMPLIANCE WITH FEDERAL LAW AND PERTINENT NATIONAL SECURITY AND INTELLIGENCE DIRECTIVES. A DETAILED BRIEFING ON THIS OFFICE'S MISSION AND ACTIVITIES WAS PROVIDED TO THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE ON 29 JULY 1987. DIA IS PREPARED TO UPDATE THAT BRIEFING UPON REQUEST FROM THE INTELLIGENCE COMMITTEE.

WE REMAIN FULLY COGNIZANT THAT ANY INTELLIGENCE RELATIONSHIP WITH SOUTH AFRICA MUST BE CONDUCTED IN COMPLIANCE WITH SECTION 107 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1987 AND SECTION 322 OF THE ANTI-APARTHEID ACT OF 1986, WHICH PROHIBITS COOPERATION WITH THE ARMED FORCES OF THE GOVERNMENT OF SOUTH AFRICA, EXCEPT ACTIVITIES WHICH ARE REASONABLY DESIGNED TO FACILITATE THE COLLECTION OF NECESSARY INTELLIGENCE.

AS I STATED IN MY 16 JUNE 1987 TESTIMONY BEFORE THE SUBCOMMITTEES ON AFRICA AND INTERNATIONAL ECONOMIC POLICY AND TRADE OF THE COMMITTEE ON FOREIGN AFFAIRS, WITHIN DEFENSE WE HAVE HAD OUR OWN GUIDELINES AND RESTRICTIONS ON RELATIONS WITH

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SOUTH AFRICA SINCE 1978. THOSE POLICY GUIDELINES CORRESPOND TO AND IN SOME WAYS EXCEED THE REQUIREMENTS OF SECTION 322 OF THE COMPREHENSIVE ANTI-APARTHEID ACT OF 1986. PLEASE ALLOW ME TO SUMMARIZE THE CURRENT SITUATION:

THE U.S. HAS NO MILITARY PERSONNEL STATIONED IN SOUTH AFRICA OTHER THAN THE ATTACHES AND MARINE GUARDS ATTACHED TO OUR EMBASSY. BY POLICY, THE U.S. NAVY DOES NOT CALL AT SOUTH AFRICA'S PORTS AND HAS NOT DONE SO SINCE FEBRUARY 1967. AMERICAN MILITARY AIRCRAFT DO NOT TRANSIT SOUTH AFRICAN AIRFIELDS EXCEPT FOR OCCASIONAL EMBASSY SUPPORT FLIGHTS AND LONG-RANGE TELEMETRY MISSIONS. THESE TELEMETRY MISSIONS ARE ESSENTIAL TO THE LAUNCHING OF U.S. SATELLITES, AND CONSIST OF GATHERING ROCKET BURN DATA TO CONFIRM TRAJECTORY ACCURACY. THE U.S. DOES NOT TRAIN OR EXERCISE WITH SOUTH AFRICANS NOR DOES IT PERMIT MEMBERS OF THE SOUTH AFRICAN DEFENSE FORCE TO UNDERGO DOD-SPONSORED TRAINING OR ATTEND DOD SEMINARS. WE NEITHER PROVIDE NOR SELL U.S. MILITARY HARDWARE, TECHNOLOGY OR ITEMS HAVING POTENTIAL MILITARY END USE TO THE SADF, THE POLICE, OR TO ANY GOVERNMENTAL ENTITY. AS MENTIONED EARLIER WE DO MAINTAIN A SMALL DEFENSE ATTACHE OFFICE IN PRETORIA (FOUR OFFICERS AUTHORIZED, THREE PRESENT), AND THE SADF MAINTAINS A SIMILAR OFFICE HERE (THREE OFFICERS AUTHORIZED, TWO PRESENT).

TURNING FROM THE INTELLIGENCE ISSUE TO THE ISSUE OF MINERALS, I WOULD START BY NOTING THAT DEFENSE'S INTEREST IN RELIABLE CONTINUING ACCESS TO STRATEGIC MINERALS IS WELL KNOWN

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AND A MATTER OF LONG RECORD. AS DEFINED IN THE CAAA, THESE STRATEGIC MINERALS ARE THOSE THAT ARE ESSENTIAL FOR THE U.S. ECONOMY OR DEFENSE. IT IS A MATTER OF CONCERN TO DEFENSE, AND TO DEFENSE-RELATED INDUSTRIES, THAT THE PRODUCTION AND RESERVES OF THESE MINERALS ARE HEAVILY CONCENTRATED IN SOUTHERN AFRICA AND THE USSR. AMONG THESE ARE CHROMITE, MANGANESE, VANADIUM, THE PLATINUM GROUP OF SIX METALS, ALL OF WHICH ORIGINATE IN SOUTH AFRICA, AND ZAIRIAN AND ZAMBIAN COBALT EXPORTED THROUGH SOUTH AFRICA. ALSO OF CRITICAL IMPORTANCE FOR DEFENSE NEEDS ARE THE HIGH-GRADE CHROMIUM AND MANGANESE FERROALLOYS, OF WHICH DOMESTIC PRODUCTION HAS SIGNIFICANTLY DECLINED.

IN THE CAAA OF 1986 THE CONGRESS RECOGNIZED THE IMPORTANCE OF THESE MINERALS, AND THE UNDESIRABILITY OF INCREASING OUR DEPENDENCE ON THE ONLY OTHER MAJOR SUPPLIER OF THESE MINERALS, THE SOVIET UNION. SPECIFICALLY, THE CAAA PROVIDED AUTHORITY TO THE PRESIDENT TO EXEMPT STRATEGIC MINERALS FROM THE RESTRICTIONS IMPOSED BY SECTION 303. THE CAAA DEFINES STRATEGIC MINERALS AS THOSE ESSENTIAL TO THE U.S. ECONOMY OR DEFENSE. HR 1580 PROVIDES EXCEPTION AUTHORITY, BUT LIMITS IT TO MINERALS WHICH ARE ESSENTIAL FOR "MILITARY USES." WE STRONGLY OPPOSE THIS NARROWING OF THE EXEMPTION AUTHORITY. THE TERM "MILITARY USES" IS TOO NARROW TO COVER THE FULL RANGE OF DEFENSE NEEDS. MOREOVER, THIS NARROW DEFINITION IGNORES THE NEEDS OF THE U.S. ECONOMY AS A WHOLE, WHICH COULD BE SEVERELY INJURED. MORE IMPORTANTLY, DEFENSE OR MILITARY USES OF THESE MINERALS ARE INTEGRATED INTO THE CIVILIAN ECONOMY AND IT IS IMPRACTICAL TO

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DISTINGUISH ONE USE FROM THE OTHER IN OUR ECONOMY. FOR EXAMPLE, PETROLEUM REFINERS USE PLATINUM AS A REFINING CATALYST. DEFENSE, OF COURSE, USES SIGNIFICANT QUANTITIES OF REFINED PETROLEUM PRODUCTS AND SO DOES THE CIVILIAN SECTOR. IN ANY CASE, SO LONG AS THE PRESIDENT'S AUTHORITY TO EXEMPT STRATEGIC MINERALS FROM TRADE RESTRICTIONS IS NOT DIMINISHED, OUR SITUATION WITH RESPECT TO ASSURED ACCESS IS NOT FURTHER WORSENED UNLESS, AND THIS IS AN IMPORTANT UNLESS, THE CUMULATIVE EFFECT OF THE U.S. CAMPAIGN OF ECONOMIC SANCTIONS AGAINST SOUTH AFRICA SHOULD PERSUADE THE AUTHORITIES OF THAT COUNTRY THAT THEY SHOULD RETALIATE BY SEEKING TO DENY US ACCESS TO SOME OR ALL OF THESE MINERAL EXPORTS. WE CONSIDER THIS A POSSIBILITY WHICH, IN THE SHORT RUN, WOULD INCREASE PRICES AND IN THE MID-TERM, WOULD CAUSE CONSIDERABLE DIFFICULTIES FOR OUR MANUFACTURERS; ADVERSE EFFECTS ON THE DEFENSE PRODUCTION BASE WOULD ONLY DEVELOP IF THIS SITUATION WERE TO PERSIST OVER A LONGER TIMEFRAME.

THIS SERVES TO INTRODUCE A FINAL POINT. THE ADMINISTRATION STRONGLY OPPOSES ALL THE BILLS IN QUESTION. WE HAVE GENERAL CONCERN ABOUT THE IMPACT OF THIS LEGISLATION ON THE ECONOMIC WELL-BEING OF THE SOUTHERN AFRICAN REGION. WE ARE ALSO CONCERNED WITH THE IMPLICATIONS OF ATTEMPTING TO ENFORCE THESE RESTRICTIONS ON OTHER STATES. THE THIRD-PARTY PENALTY CLAUSE IN SECTION 7 OF HOUSE RESOLUTION 1580 IS OF PARTICULAR CONCERN. AS WORDED, THE PRESIDENT WOULD APPEAR TO BE OBLIGED TO IMPOSE PENALTY SANCTIONS ON ANY STATE TAKING ADVANTAGE OF ANY U.S. SANCTIONS, INCLUDING THOSE IN THE COMPREHENSIVE ANTI-APARTHEID

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ACT OF 1986. THIS WORDING COULD GENERATE SERIOUS FRICTIONS WITH SOME OF OUR ASIAN AND EUROPEAN FRIENDS. FOR STARTERS. WAIVER OF PENALTIES FOR SOME STATES BUT NOT FOR OTHERS WOULD COMPOUND THE PROBLEMS GENERATED BY THIS PROPOSED LEGISLATION. WE ARE CONCERNED AT THE SWEEPING IMPACT THIS KIND OF PROVISION MIGHT HAVE ON OUR WORLDWIDE POLITICO-MILITARY RELATIONS.

THIS CONCLUDES MY STATEMENT. I WILL BE GLAD TO ANSWER YOUR QUESTIONS, ALTHOUGH I WOULD REFER YOU TO THE INTELLIGENCE COMMUNITY FOR ANY MATTERS FALLING WITHIN ITS PURVIEW.

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